

Timothy M. Flaherty (SBN 99666)
Melissa M. Palozola (SBN 278858)
CLARK HILL LLP
One Embarcadero Center, Suite 400
San Francisco, CA 94111
Telephone: (415) 984-8500
Facsimile: (415) 984-8599
Email: tflaherty@ClarkHill.com
Email: mpalozola@ClarkHill.com

Attorneys for Defendant,
Martha Kongsgaard individually and as Trustee of the
Martha Kongsgaard GST Exempt Trust U/T/A
Dated October 21, 1993

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCIS WANG, individually and as Trustee
of WFT-TNG, a California Trust,

Plaintiff,

v.

MARTHA KONGSGAARD, individually and
as Trustee of The Martha Kongsgaard GST
Exempt Trust U/T/A dated October 21, 1993,

Defendant.

Case No. 3:19-cv-00907 AGT

**REQUEST FOR JUDICIAL NOTICE OF
ADJUDICATIVE FACTS IN SUPPORT OF
DEFENDANT MARTHA KONGSGAARD'S
OPPOSITION TO PLAINTIFF'S MOTION
FOR LEAVE TO MANED AND
SUPPLEMENT COMPLAINT AND TO
TERMINATE STAY OF PROCEEDING**

DATE: NOVEMBER 6, 2020

TIME: 10:00 A.M.

COURTROOM: A

MAGISTRATE JUDGE: ALEX TSE

Pursuant to Federal Rules of Evidence, Rule 201, Defendant Martha Kongsgaard,
individually and as Trustee of the Martha Kongsgaard GST Exempt Trust U/T/A dated October
21, 1993, respectfully requests that in support of her Opposition to Plaintiff's Motion for Leave
to Supplement Complaint, the Court take judicial notice of the following:

1. The Complaint filed by Plaintiff Martha Kongsgaard in the Napa County Superior
Court Case No. 19CV000286, on February 15, 2019, entitled *Martha Kongsgaard v. Francis
Wang, et al.* A true and correct copy of the Complaint is attached as **Exhibit A.**

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1 2. The Complaint filed by Plaintiff Francis Wang in the instant action which was
2 filed on February 19, 2019, entitled *Francis Wang, v. Martha Kongsgaard*. A true and correct
3 copy of the Complaint is attached as **Exhibit B**.

4 3. Defendant Martha Kongsgaard's moving papers with respect to her Motion to
5 Dismiss or, alternatively Stay, the instance action. A true and correct copy of which is attached
6 as **Exhibit C**.

7 4. This Court's May 15, 2019, Order staying the instant action. A true and correct
8 copy of the Complaint is attached as **Exhibit D**.

9 5. The Cross-Complaint filed on May 24, 2019, by Defendant Francis Wang in
10 Napa County Superior Court Case No. 19CV000286, *Martha Kongsgaard v. Francis Wang, et*
11 *al.* A true and correct copy of which is attached as **Exhibit E**.

12 6. The Answer filed on May 30, 2019, by Defendant Francis Wang in Napa
13 County Superior Court Case No. 19CV000286, *Martha Kongsgaard v. Francis Wang, et al.* A
14 true and correct copy of which is attached as **Exhibit F**.

15 7. The Complaint filed on February 27, 2019 by Plaintiff Francis Wang in Napa
16 County Superior Court Case No. 19CV000342, *Francis Wang, et al. v. Peter Peletta*. A true
17 and correct copy of which is attached as **Exhibit G**.

18 8. The Cross-Complaint filed on April 24, 2019, by Defendant Peter Brian Peletta in
19 Napa County Superior Court Case No. 19CV000342, *Francis Wang, et al. v. Peter Peletta*. A
20 true and correct copy of which is attached as **Exhibit H**.

21 9. The Answer filed on April 24, 2019 by Plaintiff Francis Wang in Napa County
22 Superior Court Case No. 19CV000342, *Francis Wang, et al. v. Peter Peletta*. A true and
23 correct copy of which is attached as **Exhibit I**.

24 10. The Napa County Superior Court Case No. 19CV000342, *Francis Wang, et al.*
25 *v. Peter Peletta* order issued on September 3, 2020, sanctioning Francis Wang for abuse of the
26 discovery process in the amount of \$1,810. A true and correct copy of which is attached as
27 **Exhibit J**.

1 18. The Notice of Citation issues by Napa County dated November 29, 2018, for 440
2 Stonecrest Drive. A true and correct copy of which is attached as **Exhibit R**.

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4 Dated: October 14, 2020

CLARK HILL LLP

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6 By /s/ Timothy M. Flaherty
7 Timothy M. Flaherty
8 Melissa M. Palozola
9 Attorneys for Defendant,
10 Martha Kongsgaard, individually and as
11 Trustee of the Martha Kongsgaard
12 GST Exempt Trust U/T/A dated
13 October 23, 1993
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was filed *via* CM/ECF on October 14, 2020 and as a result has been served on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Lydia M. Brown
Lydia M. Brown